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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
BYRON SHER AUDITORIUM
SACRAMENTO, CALIFORNIA

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Wesley Chesbro

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Deputy Executive Officer

Mr. Elliot Block, Staff Counsel

Ms. Kristen Garner, Executive Assistant

Ms. Elizabeth Huber, Legislative Director

Mr. Mike Leason, Supervisor, Plastic Recycling Technology
Section

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Deputy Director, Permitting and
Enforcement Division

Mr. John Smith, Acting deputy Director, Waste Prevention
and Market Development

ALSO PRESENT

Ms. Jennifer Caldwell, Yolo County

Mr. George Larson, Illinois Tool Works, American Chemical
Council

Mr. Randy Pollack, Law Offices of Randy Pollack

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. We're going to
3 start and move slowly as we wait for Member Petersen to
4 make his way back to the dais. He had to run and get
5 something. So we're going to talk very slowly.

6 Good morning. Thank you for your patience.

7 And here he is.

8 So we'll call the roll, Kristen.

9 EXECUTIVE ASSISTANT GARNER: Chesbro?

10 BOARD MEMBER CHESBRO: Here.

11 EXECUTIVE ASSISTANT GARNER: Danzinger?

12 BOARD MEMBER DANZINGER: Here.

13 EXECUTIVE ASSISTANT GARNER: Mulé?

14 BOARD MEMBER MULÉ: Here.

15 EXECUTIVE ASSISTANT GARNER: Petersen?

16 BOARD MEMBER PETERSEN: Here.

17 EXECUTIVE ASSISTANT GARNER: Brown?

18 CHAIRPERSON BROWN: Here.

19 We're giving you a hard time, Gary.

20 BOARD MEMBER PETERSEN: That's okay.

21 CHAIRPERSON BROWN: Any ex partes to report from
22 members?

23 There are speaker slips in the back of the room
24 if anybody has any items that they would like to speak to.

25 This is an announcement that the Board will go

1 into closed session at the conclusion of our regular
2 business today.

3 I'd like to stand and invite everybody to say the
4 Pledge.

5 (Thereupon the Pledge of Allegiance was
6 recited in unison.)

7 CHAIRPERSON BROWN: Thank you.

8 Welcome back, Evan. We'll expect a full report.

9 I'd like to move first to the Executive
10 Director's report.

11 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
12 Chair. Good morning. Morning, Members.

13 I think you missed in your roll call -- I don't
14 think we can have a Board meeting without John Cupps. I
15 don't see him in the audience.

16 BOARD MEMBER DANZINGER: Speak slowly, and we'll
17 wait for him, Mark.

18 EXECUTIVE DIRECTOR LEARY: Members, I have a
19 couple things to report on, and then I'm going to turn it
20 over to Elizabeth to do a quick overview of what's
21 happened in the Legislature early this legislative session
22 and some of the bills that we're going to be keeping an
23 eye on.

24 Last week, I had the pleasure of moderating a
25 session within the Air Board's implementation and early

1 actions in response to climate change. And in that
2 session, I had the honor of introducing four different
3 speakers: Chris Voell, who heads up the U.S. EPA Methane
4 Capture Program out of Washington, D.C.; Mark McDannel of
5 L.A. County San; Allen Dusault of Sustainable
6 Conservation; and Greg Chung from Kennedy/Jenks. And
7 these presentations focused on methane mitigation. And I
8 found them very interesting. And it seems to be lots of
9 opportunities and lots of efforts being focused on
10 methane.

11 Of particular note was Mark McDannel's
12 presentation where he provided an analysis very similar to
13 what Scott Walker has provided to you and Howard Levenson
14 in regard to landfills and their potential for
15 contribution of methane to greenhouse gas emissions. But
16 I thought I'd highlight a couple of the facts that he
17 brought to bear. He reaffirmed our long-held contention
18 that much of the waste in place in the state in landfills
19 is already subject to landfill gas capture. His numbers
20 lead him to conclude that 94 percent of the total waste in
21 place in the state of California has gas collection and
22 control.

23 He talked about the Climate Action Report and
24 mentioned that in the Climate Action Report the landfill
25 methane emission estimate is based on a default collection

1 efficiency of 75 percent. And coming from the perspective
2 Mark does, he suggests that that's too low and that they
3 think that the actual methane collection at landfills is
4 somewhere in the 90 to 99 percent range.

5 It hadn't been made at least public to me or
6 aware to me that if you change that number, if the 75
7 percent efficiency that's built into the Climate Action
8 Report, which is by everyone's account an estimate, you
9 change that number to 95 percent, you ultimately reduce
10 the potential contribution of methane to the atmosphere by
11 80 percent. Simply changing that collection efficiency
12 number from 75 percent to 95. And I think that speaks to
13 the merits of the Bogner study that we're participating in
14 with the Energy Commission which looks to calculate that
15 number once and for all based on analysis of field data.
16 So we're looking forward and looking to work with the
17 Energy Commission to participate in that study. But
18 that's key.

19 And in fact, if you assume the 95 percent that
20 Mark argues for, he suggests the real opportunity for
21 methane emission reductions or climate change reductions
22 associated with landfill isn't necessarily an improved
23 landfill gas capture. He thinks the current state of the
24 art is sufficient. He thinks the real opportunity is
25 turning landfill gas into energy either via fuels or put

1 it into electricity and put it on the grid. And he spoke
2 about some of the challenges -- the regulatory challenges
3 landfill gas to energy faces in the near future. And
4 we've talked about it in this forum before. I thought I
5 would pass that on. His presentation is available at the
6 ARB's website, and there's some interesting statistics in
7 there.

8 Other things discussed was the potential for
9 methane capture and use for energy from dairy digesters.
10 A nice presentation made on that from Allen Dusault. And
11 also the potential for grease collection in wastewater
12 treatment and its possible contribution and anaerobic
13 digesters and conversion to methane and ultimately energy.
14 So there was some good presentations, and I was happy to
15 be invited to moderate that session.

16 Relately, as you know, we'll be participating in
17 the Bioenergy Action Working Group and their Solid Waste
18 to Biofuels Forum that's occurring at the Fourth Annual
19 California Biomass Collaborative here in Cal/EPA on March
20 27th and 28th of this month.

21 The second day is focusing on the area of solid
22 waste. And speakers on the second day will include State
23 agencies and representatives from companies such as Blue
24 Fire Ethanol, which just received a \$40 million grant from
25 the U.S. Department of Energy facility in southern

1 California. Other speakers will discuss biodiesel and the
2 use of landfill gas for biofuels production. We'll also
3 have break-out sessions to identify research and other
4 barriers and potential solutions. We anticipate a
5 successful event and hope to gather valuable information.
6 And everyone within the sound of my voice of course is
7 invited to participate.

8 In other news, we've got great news from the
9 Caltrans front and the use of recycled aggregate. Last
10 month, the Caltrans Office of Engineer revised their 2006
11 standard specifications to allow the use of 100 percent
12 recycled content materials in sub-base and base materials
13 for road construction.

14 Prior to this revision, the 2006 standard specs
15 limited the use of recycled content materials to
16 50 percent of the sub-base and base materials. Over 5,000
17 tons of aggregate base material is required for each lane
18 mile of a major arterial road that is constructed. This
19 revision will certainly assist the Board's effort to
20 increase the market demand for recycled aggregate and
21 provides another opportunity to promote the Waste Board's
22 green roads campaign with local governments through
23 California. I want to thank Clark Williams, Greg Dick,
24 Bill Orr, and John Smith on their great interagency work
25 to achieve this accomplishment together with our partner

1 at Caltrans.

2 And then finally, Madam Chair and members, I'd
3 like to turn it over to Elizabeth Huber, our Leg.
4 Director, to give us a quick overview of what's happening
5 in the legislative front and what we can look to see
6 what's happening in the coming months.

7 LEGISLATIVE DIRECTOR HUBER: Good morning, Madam
8 Chair and members.

9 CHAIRPERSON BROWN: One second, Elizabeth.

10 I know Jon Myers is within earshot. But I think
11 as Caltrans does continually step up to the plate, it
12 would be worthy of applauding them for their efforts and
13 maybe highlighting some of the recent things they've done
14 in some sort of a media campaign. E-waste has been very
15 successful at raising the bar and public awareness of
16 that, and I think we need to continue to applaud their
17 efforts and encourage them to move farther. So if you
18 could relay that to Jon, even though I'm sure he's within
19 earshot, I think it's worthy of an effort to start working
20 with them and getting the Director.

21 EXECUTIVE DIRECTOR LEARY: We'll do it. Thank
22 you.

23 CHAIRPERSON BROWN: Now go ahead, Elizabeth.

24 LEGISLATIVE DIRECTOR HUBER: Good morning.

25 First thing I just want to do is update from the

1 last time I spoke in front of all of you, and that is that
2 the 2007 statute book is completed and has been delivered
3 out. So I want to say a special thanks to Pat and Ryan in
4 my office who worked due diligently in November and
5 December to get that done.

6 And then also we had six leg./bill analysis
7 trainings including advisors and technical and program
8 staff. So that went over very well.

9 And then we are finally at full staff. So I
10 wanted to make you all aware that Jacqueline Pecor came
11 about five weeks ago from the Energy Commission as a Leg.
12 Analyst. And then about two and a half weeks ago Dawn
13 Gordon who was with Cal/EPA is now on our staff. So I
14 just wanted to welcome them.

15 CHAIRPERSON BROWN: Stand up, guys. Thank you.
16 Welcome.

17 (Applause)

18 CHAIRPERSON BROWN: We like stealing employees,
19 because we certainly get our fair share of employees
20 stolen, don't we, Mark?

21 EXECUTIVE DIRECTOR LEARY: Amen.

22 LEGISLATIVE DIRECTOR HUBER: So onward to my
23 short agenda here. One is I wanted to highlight the 2007
24 bills. About 3,200 bills were introduced between the
25 Senate and Assembly this past month. And of those, we're

1 tracking overall about 200, but about 90 that are priority
2 one and two. What you have in front of you are 44 bills
3 that we have identified as priority one and that we've
4 already gone out to divisions for technical analyses on
5 these bills.

6 What you're going to see is the majority of them
7 are coming from WPMD, and the emphasis in those bills
8 you're going to see are expansion on AB 32, so additional
9 climate change and greenhouse gas. There are also about
10 three plastics bills, several green building bills.
11 E-waste, there's about four that stick out. The biomass,
12 biosolid, biofuels issues are showing up in several bills,
13 and it could be coming from the Bioenergy Action Plan that
14 got distributed last fall. Then there's a couple three
15 bills on solid waste conversion. And a couple that I
16 wanted to highlight in addition to that is AB 1610, which
17 is the increase in the cap for the tipping fee that the
18 Speaker is introducing or has introduced.

19 In P&E, there's 11 bills that could potentially
20 impact them. And that runs the gamut of, you know,
21 allowing you an additional 30 days to concur or object to
22 a permit to enhanced enforcement rights to local
23 governments.

24 Special waste, I think you're seeing a little of
25 everything from different types of recycling programs.

1 The one that's been making the news in the last couple of
2 days is Levine's bill, AB 722, dealing with the
3 incandescent lights, the banning of them.

4 Then we have five bills from DPLA, one being our
5 one sponsored bill. And that's on alternative compliance
6 SB 1016 that Wiggins has introduced. And then we actually
7 have one in legal dealing with the Public Records Act.

8 So you have the reports there. It shows who the
9 sponsors are and a little summary of what the bill is
10 doing at this point. But as we all know, it will change
11 as the process continues.

12 The second section we put out there the Assembly
13 and Senate calendars for the session. The two dates I
14 just wanted to highlight is that they must have all spoken
15 together during the off season, because they actually have
16 deadline dates the same this year and not a week apart.
17 So two key dates I wanted to point out was May 25th will
18 be the last day to get a bill out of the Policy Committee,
19 and then you'll see June 8th is the last day to get a bill
20 out of house of origin.

21 And then in Section 3, we've indicated some
22 legislative, budget, and informational hearing dates. So
23 you'll see that March through May. The two dates I just
24 wanted to highlight for you today is April 16th and
25 April 18th. And we come up in front of Senate Budget Sub

1 2 on the 16th and then the Assembly Sub 3 on the 18th of
2 April.

3 So that's the conclusion of my report, unless
4 anyone has questions for me.

5 CHAIRPERSON BROWN: I don't think so. Any Board
6 members?

7 Great. Thank you, Elizabeth. I'm sure you'll
8 keep us posted.

9 Mark, does that conclude your Executive
10 Director's report?

11 EXECUTIVE DIRECTOR LEARY: It does, Madam Chair.
12 Thank you.

13 CHAIRPERSON BROWN: Thank you.

14 Next we will move to public comment. We do have
15 one person here who is interested in addressing the Board
16 during the public comment, Jennifer Caldwell representing
17 Yolo County.

18 MS. CALDWELL: Thank you, Madam Chair. Good
19 morning, Madam Chair and Board members.

20 Today, for your consideration, I'd like to offer
21 some thoughtful recommendations to challenges faced within
22 some of the Board programs. These are challenges both to
23 those at the local level and I think to your staff in some
24 ways.

25 We've provided a copy of this compilation -- I

1 believe each of you have a copy, and I know Director Leary
2 does. And he kindly made a nice phone call yesterday
3 thanking me for it, and really appreciate that.

4 Those were offered -- the impetus of this was
5 colleagues and my expressions of various challenges
6 coupled with ideas for improvements. So I just offered to
7 compile these suggestions/recommendations in a
8 constructive way in the hope it will help towards
9 streamlining programs for greater internal and external
10 efficiency during the Board's reorganization process and
11 your strategic development planning. Trying to time it
12 right with that.

13 We started back in November. I sent out the
14 offer -- first, within the Sacramento region, we have a
15 regional recycling group kind of started there. And then
16 I thought we need more representation. And there's these
17 list serves you're probably familiar with and something
18 you delete regularly; right? But I put out the offer
19 statewide to compile suggestions. And so this is the
20 result of responses I got to that on several different
21 list serves. It covers a broad range including Board
22 grants, data reporting, local assistance needs, disclosure
23 policies, waste ban mandates, and zero waste initiatives.

24 Just wanted to highlight a few today in the
25 interest of time. One is grant application requirements

1 and payment processing. I've got some examples together
2 from other agencies of making grant applications more
3 concise and the reporting process as well and the payments
4 processing, have some suggestion in there for how to make
5 that a little less cumbersome.

6 Another suggestion is to repeal some of the
7 obsolete reports, what we feel are obsolete. I know they
8 are legislatively required. One is the biennial review.
9 Another is the five-year review. And we just feel that
10 consolidating data within reports so that we have fewer
11 would be a good idea. That's a possibility.

12 Two of the reports that really are efficient for
13 the Board and the DTSC requires, one is through AB 939.
14 It's an annual report. And the other is the Form 303 that
15 the DTSC requires.

16 I'm going to get some water. Sorry. Don't want
17 to get all choked up here.

18 It's been suggested that these recommendations
19 may tie in well, like I said, with the Board's new
20 strategic development, policy development initiatives.
21 And it's recognized again that many of the requirements
22 would require changes to legal, auditing, and legislative
23 requirements. And perhaps the time is right to repeal
24 some of these obsolete measures, if you agree they are,
25 and develop a more efficient system particularly moving

1 forward with the reorg process. All efforts toward this
2 are greatly appreciated.

3 And, finally, I want to applaud the great strides
4 that have already been made to streamline programs. Many
5 of these achievements are sited within the recommendations
6 in this document and hope the compilation serves to
7 further that effort in a constructive manner.

8 Thank you for the opportunity to comment and for
9 your valuable service to the state of Florida. Really
10 appreciate it.

11 CHAIRPERSON BROWN: Thank you, Jennifer.
12 California, I hope. Rosalie helped Florida, though.

13 This is a great exercise. We appreciate your
14 doing it. Oftentimes, hearing from those jurisdictions
15 that actually work on these programs or receive the grants
16 is as valuable as us doing that review ourselves.

17 Did you want to, Mark, comment?

18 EXECUTIVE DIRECTOR LEARY: Only to second your
19 appreciation, Madam Chair. As I said to Jennifer via
20 voice mail and again this morning, it's not often we get
21 this substantive a complication of feedback from our
22 stakeholders at one time. And I applaud their effort. I
23 think it's going to be very valuable to us. And I commit
24 to her and all of you we will take all these
25 recommendations very seriously and go through them and

1 look to improve our programs in ways they suggest.

2 CHAIRPERSON BROWN: Great. Thank you.

3 BOARD MEMBER MULÉ: I just want to add, Jennifer,
4 thank you for all of your work. For those of you who
5 don't know, Jennifer is from the state of Florida. She
6 worked for the Florida Department of Environmental
7 Protection their Solid Waste Division for a number of
8 years and also worked at the county level, Pinellas County
9 I believe. So she does bring another perspective, if you
10 will, on how we can approach how we do business here at
11 the Integrated Waste Board. And so I just want to
12 personally thank you. I know you put a lot of effort into
13 this.

14 And I thank everybody that was involved in
15 putting this document together. As Mark and our Chair had
16 indicated, we do appreciate the input and the feedback on
17 what we're doing, because we want to be as effective and
18 as efficient as we can be.

19 So that all being said, I just want to thank you.
20 I've read through this. I've got lots of comments written
21 in the side here. And I'll be happy to sit down with you,
22 Mark, and go over some of these things as well. Because I
23 just want to mention also a number of the items that you
24 bring up in this document we are working on and we are
25 addressing.

1 MS. CALDWELL: I'm aware, and I applaud that.
2 And I think that staff has been working in this direction
3 and just really want to embrace that and encourage it.
4 And, you know, these suggestions may well be some that are
5 already in progress.

6 BOARD MEMBER MULÉ: Exactly. A number of these
7 items we already are working on. So I just wanted to
8 bring that to your attention. But thank you.

9 MS. CALDWELL: Thank you.

10 CHAIRPERSON BROWN: Thank you, Jennifer.

11 Okay. Now we'll move to the consent agenda.
12 Items 1, 2 Revised, 3, and 4 Revised, are on the consent
13 agenda. Does anybody wish to pull any of these items?

14 BOARD MEMBER MULÉ: Madam Chair, I'd like to move
15 the consent agenda.

16 CHAIRPERSON BROWN: Is there a second?

17 BOARD MEMBER DANZINGER: Second.

18 CHAIRPERSON BROWN: It's been moved by Member
19 Mulé and seconded by Member Danzinger.

20 Kristen, can you call the roll?

21 EXECUTIVE ASSISTANT GARNER: Chesbro?

22 BOARD MEMBER CHESBRO: Aye.

23 EXECUTIVE ASSISTANT GARNER: Danzinger?

24 BOARD MEMBER DANZINGER: Aye.

25 EXECUTIVE ASSISTANT GARNER: Mulé?

1 BOARD MEMBER MULÉ: Aye.

2 EXECUTIVE ASSISTANT GARNER: Petersen?

3 BOARD MEMBER PETERSEN: Aye.

4 EXECUTIVE ASSISTANT GARNER: Brown?

5 CHAIRPERSON BROWN: Aye.

6 Thank you. Consent agenda passes.

7 The fiscal consent agenda is Items 5 Revised, 6,
8 7, 13 Revised, 14, 15 Revised.

9 As a note to our audience, Items 8, 10, 11, and
10 12 were Committee items only. No items were pulled this
11 month.

12 And we will hear Item 9 revised before the full
13 Board at the conclusion of our fiscal consent calendar.

14 So we'll move first to items that were heard in
15 the Permitting and Compliance Subcommittee.

16 Chair Mulé, would you like to give a report?

17 BOARD MEMBER MULÉ: Yes, thank you, Madam Chair.

18 We did hear one biennial review and recommended a
19 compliance order for the City of Downey, which we just
20 approved on consent agenda.

21 We heard three permit items, which were also
22 approved on the consent agenda.

23 We had three items pertaining to grant awards,
24 which we're going to hear about in our fiscal consent,
25 Items 5, 6 and 7.

1 And we did hear and move forward two rulemaking
2 items that -- the one being the RPPC Item 9 which we will
3 be hearing today in front of the full Board.

4 That concludes my report. Thank you very much.

5 CHAIRPERSON BROWN: Thank you.

6 So we will move first to Item 5. And Howard.

7 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
8 Chair. And good morning, Board members. I'm Howard
9 Levenson, Deputy Director for Permitting and Enforcement
10 Division.

11 Item 5 is Consideration of Grant Award for the
12 Solid Waste Disposal and Co-Disposal Site Cleanup Program.

13 We have received one grant application in the
14 last cycle from the County of San Diego for a cleanup at
15 the Otay Valley Regional Park. This has 23 illegal
16 dumping sites that have a wide range of materials that
17 would be cleaned up under this grant to the County. The
18 grant is for \$360,000. Because it's a public entity and
19 there are other benefits provided, we are not recommending
20 the Board pursue cost recovery.

21 With that, the staff recommendation is that we
22 approve the proposed grant and adopt Resolution Number
23 2007-69. And if you need additional information, the
24 staff is available to answer any questions.

25 CHAIRPERSON BROWN: Thank you, Howard.

1 Do we have any questions for Board members?
2 Can I have a motion?
3 BOARD MEMBER MULÉ: I'd like to move Resolution
4 2007-69.
5 BOARD MEMBER DANZINGER: Second.
6 CHAIRPERSON BROWN: It's been moved by Member
7 Mulé and seconded by Member Danzinger.
8 Kristen, can you call the roll?
9 EXECUTIVE ASSISTANT GARNER: Chesbro?
10 BOARD MEMBER CHESBRO: Aye.
11 EXECUTIVE ASSISTANT GARNER: Danzinger?
12 BOARD MEMBER DANZINGER: Aye.
13 EXECUTIVE ASSISTANT GARNER: Mulé?
14 BOARD MEMBER MULÉ: Aye.
15 EXECUTIVE ASSISTANT GARNER: Petersen?
16 BOARD MEMBER PETERSEN: Aye.
17 EXECUTIVE ASSISTANT GARNER: Brown?
18 CHAIRPERSON BROWN: Aye.
19 Thank you. Resolution passes.
20 Move next to fiscal consent, Item 6. Howard,
21 you're up again.
22 (Thereupon an overhead presentation was
23 presented as follows.)
24 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
25 Chair. We'd like to show a few slides on this one because

1 of the significance of these two projects. But we'll keep
2 this short.

3 This is Consideration of New Projects for the
4 Solid Waste Disposal and Co-Disposal Cleanup Program. The
5 last item was a grant. These would be Board-managed
6 cleanup projects that would use moneys that are already
7 encumbered in our existing environmental and engineering
8 services contract. So there would be no effect on the
9 remaining unencumbered funds in the Solid Waste Trust
10 Fund.

11 --o0o--

12 DEPUTY DIRECTOR LEVENSON: This particular item
13 concerns two cleanups. One is the AuClair dump site in
14 Riverside County on the Torres Martinez Reservation, and
15 the other is the Indian Island illegal disposal site in
16 Humboldt County. I'll show you a few pictures and just
17 give you a brief description. And I want to ask Member
18 Chesbro to talk a little bit more about the significance
19 of the Indian Island site.

20 --o0o--

21 DEPUTY DIRECTOR LEVENSON: The Indian Island
22 illegal disposal site, again this would be a Board-managed
23 cleanup for \$40,000. As Member Chesbro will explain, this
24 goes much beyond our normal cleanup project. It is a
25 project of great social and cultural significance for the

1 Wiyot tribe in Humboldt County. The Wiyot tribe suffered
2 a massacre in the mid-1860s. It's been trying to recover
3 since then. This is a very major step in restoring the
4 sacred island and the village sites, the ceremonial sites
5 on the island.

6 The tribe has done a lot to cleanup the site
7 since gaining access to the island and ownership. But
8 there is one remaining area that has proven too difficult.
9 That's the bulk head which is shown here which will
10 require a pretty complex cleanup project involving barging
11 in of equipment and dealing with the tidal flows and so
12 on. So they have asked for our assistance in this. And
13 we would be recommending a waiver of the cost recovery
14 requirements.

15 --o0o--

16 DEPUTY DIRECTOR LEVENSON: This is another
17 picture of this. There was a -- I won't steal Member
18 Chesbro's thunder. We'll just show a few pictures.

19 --o0o--

20 DEPUTY DIRECTOR LEVENSON: Some of our staff and
21 Member Chesbro were up there last Friday and he can
22 explain that further. I don't know if you want to jump in
23 now, Wes, or wait.

24 --o0o--

25 DEPUTY DIRECTOR LEVENSON: We'll go through the

1 rest of them. Here's our stalwart crew.

2 --o0o--

3 --o0o--

4 DEPUTY DIRECTOR LEVENSON: And then the AuClair
5 site is the third of the large cleanup sites at the Torres
6 Martinez Reservation. We cleaned up two already, Ibanez
7 and Tayawa. This would be a huge cleanup, \$1 million
8 Board-managed contract project. We had testimony at the
9 Committee meeting from U.S. EPA, very persuasive testimony
10 about how the collaborative projects or efforts of several
11 dozen State, regional, and local agencies over the last
12 year has done more to clean up the illegal dumping program
13 in Riverside County than what's happened in the previous
14 decade or two. This is a very successful overall effort.
15 The Board has been instrumental in helping to clean up
16 some of these major sites which has implications not only
17 for the tribe but also outreach efforts throughout the
18 Coachella Valley and associated reaches. We're very
19 pleased to bring this for your consideration as well.

20 --o0o--

21 DEPUTY DIRECTOR LEVENSON: We showed more
22 pictures at the Committee meeting, but it's a mess at this
23 site as well.

24 --o0o--

25 DEPUTY DIRECTOR LEVENSON: As I mentioned, these

1 would be funded or conducted under our existing contract.
2 So there would be no impact on the unencumbered moneys in
3 the trust fund.

4 --o0o--

5 DEPUTY DIRECTOR LEVENSON: We would use a million
6 dollars for the AuClair dump site from our Recon project,
7 that's our southern California contractor. It brings the
8 remaining amount of money in that fund or that contract
9 down to about \$77,000. But we will be coming back to you
10 for augmentation of that later on per the directions that
11 you gave us when we first went out for this contract.

12 The Indian Island site would be cleaned up using
13 our A.J. Diani contract. That's our northern California
14 contractor. And we still have more than adequate funding
15 left in that contract.

16 So with that, staff's recommendation is to
17 approve the proposed projects and adopt Resolution Number
18 2007-70.

19 CHAIRPERSON BROWN: Thank you, Howard.

20 Member Chesbro.

21 BOARD MEMBER CHESBRO: Yes, Madam Chair. And
22 thank you, Howard.

23 I was able on Friday along with a number of Board
24 staff to visit Indian Island. It's not the staff who
25 necessarily were involved in this project, because they

1 were in Humboldt County for the WRAP of the Year
2 presentation to Pacific Builders, which was also a very
3 successful event. But while we were up there, thought it
4 would be nice to have a chance to look at the island and
5 get some updated photographs which you saw.

6 This is a very significant project from an
7 environmental standpoint, which is our primary
8 responsibility. But as Howard indicated, it also has a
9 historical and cultural component which is very unusual
10 and very significant. We had with us on the trip out to
11 the island both a member of the tribal counsel and also
12 several of the environmental staff that work for the
13 tribe. So they were able to add to what I talked about at
14 the Committee and what we know about the context of this
15 cleanup.

16 Just to give a brief summary, as Howard
17 indicated, there was I believe in the year 1860 a great
18 crime committed against this tribe. And I had thought
19 that the massacre that took place was just at Indian
20 Island. But it turned out it was an organized and
21 concerted attack on all of the tribal villages that
22 happened simultaneously. It could be described in no
23 other way but a genocide and really a form of holocaust
24 that was brought down upon this tribe which at the time
25 was the dominant Indian tribe around Humboldt bay and that

1 entire region and was reduced to just a few children who
2 survived the massacre and were raised by other tribes and
3 then in turn regrouped over the last 150 years to, in
4 fact, be a very viable and vibrant tribal group that have
5 a reservation not here where the island is, but at the
6 south end of Humboldt bay.

7 The really amazing thing is that the tribe
8 decided some years ago that it would be fitting not just
9 for their own historical and cultural well being and
10 restoration of who they are and what their history is but
11 also for the larger community to be offered the
12 opportunity to be able to participate in a community-wide
13 effort to restore Indian Island where their ceremonial
14 village was. At the time that the massacre took place,
15 the tribe was holding their ceremonies, what is ironically
16 referred to as their world renewal ceremonies. And the
17 village -- my understanding is that the village at the
18 site that is involved in the restoration was in fact the
19 ceremonial village. It was a place where the tribe came
20 together to have their annual ceremonies.

21 So the cleanup is to include everyone who wants
22 to be involved in a very, very positive and healing way, a
23 recognition of what took place, but also a restoration of
24 what once was.

25 And other State agencies have been involved and

1 federal agencies. I learned that the U.S. Park Service is
2 involved because it is a designated U.S. historic site.
3 Also, the Coastal Conservancy has been involved. And I
4 don't know if you saw in the background of one of the
5 pictures, but there was a bulk head a new sea wall that's
6 been established to stop the erosion of the island.

7 And previous cleanup has taken place. A large
8 amount of the garbage that accumulated as a result of the
9 industrial use of the island as a ship repair yard over
10 the last 150-plus years has been removed. But they got to
11 this old bulk head that was very, very difficult, much
12 more difficult to clean up. And they needed additional
13 assistance, and that's where the grant application to the
14 Board came from.

15 But I'm just really pleased. And I hope you join
16 me in these feelings of gratitude for the opportunity to
17 be part of something that really helps to address one of
18 the great wrongs of our history in this state, which is
19 the way the native people were treated when Europeans
20 arrived.

21 And I also want to acknowledge that there is a
22 member of Board Member Mulé's staff who is, in fact, a
23 member of the Wiyot tribe. I don't know if other staff
24 realize that Donnell Duclo grew up in Humboldt County and
25 is a member of the Wiyot tribe. I failed to acknowledge

1 that. I didn't know if she wanted me to at the Committee.
2 And I asked her afterwards, and she said, "Yeah, it's
3 okay." So it felt a little strange and still feels a
4 little strange to be talking about this tragic history of
5 this tribe and also what their interests and motivations
6 are now with her sitting there. But she said I did a good
7 job at the Committee, so I assume it's okay for me to
8 continue to talk about it.

9 But I'm just really thrilled that the Board is
10 proceeding with this. I'm prejudging here you're all
11 going to vote for it. I'm really pleased this is before
12 the Board and that we have the opportunity again to be
13 part of something as significant as this. And I hope -- I
14 certainly intend, if the tribe invites me, to be there
15 when the true first world renewal ceremony held in 150
16 years takes place, and I would certainly try to make sure
17 that all of you have the chance if you can make it when
18 that happens.

19 I was surprised by how much more needs to be
20 done. They're a long ways from full restoration. So it
21 may be a decade or more. I don't know how long. There's
22 a lot of -- well, they're not just cleaning up the island.
23 They want to restore the wetlands. There's a variety of
24 projects, and I think it's a step by step gradual process.
25 And being the impatient and hyper person I am assumed it

1 was imminent. And, in fact, it's something that the tribe
2 has been obviously very patient about to date. And it's
3 going to be some time. I'm guessing a decade. It may be
4 sooner than that. But it's not something that's going to
5 happen next week. So thank you for the opportunity to
6 talk about this. And thank you in advance for your
7 support for this application.

8 CHAIRPERSON BROWN: That was a good assumption,
9 at least for me. Thank you, Senator. Thank you very
10 much. I think it is gratifying to know we have an
11 opportunity to participate in this cleanup program and
12 play a part in the restoration and helping to clean up and
13 all of the issues that you so eloquently spoke about,
14 Senator.

15 So with that --

16 BOARD MEMBER MULÉ: Madam Chair, I'd like to move
17 Resolution 2007-70.

18 BOARD MEMBER PETERSEN: I'll second that.

19 CHAIRPERSON BROWN: It's been moved by Member
20 Mulé and seconded by Member Petersen.

21 Kristen, can you call the roll?

22 EXECUTIVE ASSISTANT GARNER: Chesbro?

23 BOARD MEMBER CHESBRO: Aye.

24 EXECUTIVE ASSISTANT GARNER: Danzinger?

25 BOARD MEMBER DANZINGER: Aye.

1 EXECUTIVE ASSISTANT GARNER: Mulé?

2 BOARD MEMBER MULÉ: Aye.

3 EXECUTIVE ASSISTANT GARNER: Petersen?

4 BOARD MEMBER PETERSEN: Aye.

5 EXECUTIVE ASSISTANT GARNER: Brown?

6 CHAIRPERSON BROWN: Aye.

7 The Resolution passes. Thank you all very much.

8 I think Donnell whispered from the back of the room for

9 the record, thank you.

10 And now we will move to Agenda Item 7. Howard,

11 you're up again.

12 DEPUTY DIRECTOR LEVENSON: Thank you. This is

13 the last of our cleanup items. This is Consideration of

14 Grant Awards for the Farm and Ranch Solid Waste Cleanup

15 and Abatement Grant Program, which Member Chesbro has had

16 a hand in, in terms of legislation affecting the program.

17 We're pleased to bring to you three grants for

18 ten different sites. The three grants total about

19 \$210,000 and change. They are for the clean up of farm

20 and ranch sites in the city of Dixon -- the Resource

21 Conservation District in Dixon, the Solano Resource

22 Conservation District, and in San Diego County. And we

23 would be happy to provide more details, but we talked

24 about this at the Committee.

25 So with that, I will just recommend the Board

1 approve the proposed awards and adopt Resolution Number
2 2007-71. Thank you.

3 CHAIRPERSON BROWN: Thank you.

4 Do we have any questions?

5 BOARD MEMBER MULÉ: Madam Chair, I'll move
6 Resolution 2007-71.

7 BOARD MEMBER DANZINGER: Second.

8 CHAIRPERSON BROWN: It's been moved by Member
9 Mulé and seconded by Member Chesbro.

10 Kristen, can you call the roll?

11 EXECUTIVE ASSISTANT GARNER: Chesbro?

12 BOARD MEMBER CHESBRO: Aye.

13 EXECUTIVE ASSISTANT GARNER: Danzinger?

14 BOARD MEMBER DANZINGER: Aye.

15 EXECUTIVE ASSISTANT GARNER: Mulé?

16 BOARD MEMBER MULÉ: Aye.

17 EXECUTIVE ASSISTANT GARNER: Petersen?

18 BOARD MEMBER PETERSEN: Aye.

19 EXECUTIVE ASSISTANT GARNER: Brown?

20 CHAIRPERSON BROWN: Aye.

21 Thank you.

22 Next I will just mention as we breeze through the
23 Strategic Policy Development portion of the agenda, since
24 we had only two Committee items only, I will just mention
25 we had a phenomenal presentation from Ken Stuart who is

1 not here today, but just want to thank him for his work on
2 the Illegal Dumping Enforcement Task Force. That
3 presentation was really phenomenal and well done. Howard,
4 thank you for shepherding that through. It was just great
5 work.

6 The other Committee only presentation that we
7 heard was a discussion of the Business Assistance Program
8 and the state of the industry. Jim, thank you for
9 facilitating that. That was extremely informative. Very
10 frank. But I think it will help us in moving forward with
11 the Business Assistance Program. So thank you very much
12 for facilitating that.

13 And now we will move to the fiscal consent items
14 under Market Development and Sustainability and ask Chair
15 Petersen if you have a Committee report that you'd like to
16 share.

17 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

18 Our Committee heard four items last week. Three
19 were referred to for fiscal consent this morning. And the
20 one item heard only in Committee dealt with our Waste
21 Reduction Awards Program for this year and potential for
22 creating a category based on competitive awards program
23 for the future. The Committee directed staff to continue
24 with the WRAP Program this year, to streamline the
25 application process wherever possible, and along with

1 eliminating unneeded information from the application, and
2 to begin incorporating greenhouse gas emissions data into
3 the evaluations of the applicants. That's it.

4 CHAIRPERSON BROWN: Great. Thank you.

5 Now we will move to consideration of Agenda Item
6 13 and Jim Lee for presentation.

7 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

8 And good morning, Board members. My name is Jim Lee,
9 Deputy Director for the Special Waste Division.

10 Board Item 13 is Consideration of Grant Awards
11 for the Targeted Rubberized Asphalt Concrete Incentive
12 Grant Program.

13 This item proposes grant awards to the City of
14 Banning, the City of Moorpark, and the City of Villa Park
15 in the amount of \$150,000 each. The item was discussed at
16 the Market Development and Sustainability Committee and
17 recommended for fiscal consent.

18 Staff recommends the Board approve the proposed
19 awards and approve Resolution 2007-76 Revised.

20 CHAIRPERSON BROWN: Thank you, Jim.

21 Do we have any questions? Motion?

22 BOARD MEMBER PETERSEN: I'd like to move Item
23 2007-76, please.

24 BOARD MEMBER MULÉ: Second.

25 CHAIRPERSON BROWN: The Resolution --

1 BOARD MEMBER PETERSEN: That was revised.

2 CHAIRPERSON BROWN: 2007-76 revised has been
3 moved by Member Petersen and seconded by Member Mulé.
4 Kristen.

5 EXECUTIVE ASSISTANT GARNER: Chesbro?

6 BOARD MEMBER CHESBRO: Aye.

7 EXECUTIVE ASSISTANT GARNER: Danzinger?

8 BOARD MEMBER DANZINGER: Aye.

9 EXECUTIVE ASSISTANT GARNER: Mulé?

10 BOARD MEMBER MULÉ: Aye.

11 EXECUTIVE ASSISTANT GARNER: Petersen?

12 BOARD MEMBER PETERSEN: Aye.

13 EXECUTIVE ASSISTANT GARNER: Brown?

14 CHAIRPERSON BROWN: Aye.

15 Thank you. The Resolution passes.

16 We'll move next to Agenda Item 14, and Jim Lee.

17 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

18 Board Item 14 is Consideration of Grant Awards
19 for the Rubberized Asphalt Concrete Use Grant Program.

20 Staff recommends the Board approve awards to Los
21 Angeles County in the amount of \$250,000; to the City of
22 San Clemente in the amount of \$159,040; to Ventura County
23 in the amount of \$127,934; and to San Diego County in the
24 amount of \$46,264.

25 This item was heard by the Market Development

1 Sustainability Committee and recommended for fiscal
2 consent. Staff requests the Board approve the recommended
3 grant awards and approve Resolution 2007-74.

4 CHAIRPERSON BROWN: Thank you, Jim.

5 Any questions from Board members?

6 BOARD MEMBER PETERSEN: Madam Chair, I'd like to
7 move Resolution 2007-74.

8 BOARD MEMBER MULÉ: Second.

9 CHAIRPERSON BROWN: It's been moved by Member
10 Petersen and seconded by Member Mulé.

11 Kristen.

12 EXECUTIVE ASSISTANT GARNER: Chesbro?

13 BOARD MEMBER CHESBRO: Aye.

14 EXECUTIVE ASSISTANT GARNER: Danzinger?

15 BOARD MEMBER DANZINGER: Aye.

16 EXECUTIVE ASSISTANT GARNER: Mulé?

17 BOARD MEMBER MULÉ: Aye.

18 EXECUTIVE ASSISTANT GARNER: Petersen?

19 BOARD MEMBER PETERSEN: Aye.

20 EXECUTIVE ASSISTANT GARNER: Brown?

21 CHAIRPERSON BROWN: Aye.

22 Thank you. The Resolution passes.

23 And next we will move to Agenda Item 15, and Jim
24 Lee.

25 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

1 Board Item 15 is Consideration of Scope of Work
2 and Contractor to Develop Curriculum on Rubberized Asphalt
3 Concrete and Civil Engineering Uses of Tire-Derived
4 Aggregate.

5 RAC and civil engineering uses of tires are
6 centerpieces in the Board's efforts to increase waste tire
7 diversion and recycling in the state. To this end, the
8 Board has recognized that, among other things, it is
9 necessary to ensure the long-term success of this
10 endeavor. It is necessary to provide for training and
11 education of the next generation of engineers and related
12 professionals about the virtues of the use of this
13 material.

14 Staff is recommending that the Board approve an
15 interagency agreement with California State University
16 Chico in the amount of \$350,000 to develop curricula on
17 RAC and civil engineering uses of tire-derived aggregate.
18 The item was heard by the Market Development and
19 Sustainability Committee and recommended for fiscal
20 consent. Staff recommends that the Board approve
21 Resolution 2007-75.

22 CHAIRPERSON BROWN: Thank you, Jim.

23 Do we have any questions from Board members?

24 BOARD MEMBER PETERSEN: Madam Chair, I'd like to
25 move Resolution 2007-75.

1 CHAIRPERSON BROWN: Revised.
2 BOARD MEMBER PETERSEN: Revised.
3 BOARD MEMBER MULÉ: Second.
4 CHAIRPERSON BROWN: It's been moved by Member
5 Petersen and seconded by Member Mulé.
6 Kristen, can you call the roll?
7 EXECUTIVE ASSISTANT GARNER: Chesbro?
8 BOARD MEMBER CHESBRO: Aye.
9 EXECUTIVE ASSISTANT GARNER: Danzinger?
10 BOARD MEMBER DANZINGER: Aye.
11 EXECUTIVE ASSISTANT GARNER: Mulé?
12 BOARD MEMBER MULÉ: Aye.
13 EXECUTIVE ASSISTANT GARNER: Petersen?
14 BOARD MEMBER PETERSEN: Aye.
15 EXECUTIVE ASSISTANT GARNER: Brown?
16 CHAIRPERSON BROWN: Aye.
17 Thank you. And that Resolution passes.
18 That completes our fiscal consent calendar. And
19 we'll move next to full Board items, and that is 9, and
20 John Smith.
21 (Thereupon an overhead presentation was
22 presented as follows.)
23 ACTING DEPUTY DIRECTOR SMITH: Good morning,
24 Chair Brown and Board members. For the record, my name is
25 John Smith. I'm the Acting Deputy Director of Waste

1 Prevention and Market Development.

2 --o0o--

3 ACTING DEPUTY DIRECTOR SMITH: Board Item 9,
4 Request for Rulemaking Direction Regarding Revisions to
5 the Rigid Plastic Packaging Container Regulations.

6 This item was heard in the Permitting and
7 Compliance Committee last week. The scope of the
8 regulations and options for proceeding with the rulemaking
9 were discussed. For this Board meeting, staff was asked
10 by the Committee to provide a further elaboration on the
11 informal rulemaking process. In response to that request,
12 we developed Attachment 1 to this agenda item that lays
13 out the steps for the informal rulemaking in a time line
14 for completing those tasks.

15 Mike Leacon, Supervisor of the Plastics Technology
16 Section, is here to either explain the new information on
17 the informal rulemaking or give you a brief presentation
18 on the entire item. We are prepared to do both. Madam
19 Chair, would you prefer the information on the informal
20 rulemaking or just a presentation on the entire item?

21 CHAIRPERSON BROWN: Without objection, I think we
22 can just do the information on informal rulemaking and the
23 time line.

24 DEPUTY DIRECTOR SMITH: Great. Mike.

25 PLASTICS TECHNOLOGY SECTION SUPERVISOR LEACON:

1 Thank you, John. Good morning, Madam Chair and Board
2 members.

3 At the Committee, we were directed to look at a
4 hybrid of Options 1 and 2 that is included in your packet.
5 And in response to that, we've developed the attachment to
6 the item which lays out a process for taking informal
7 comment on the RPPC regulations that we are proposing to
8 develop.

9 The objective was to have a more expedited
10 process. I think we've laid out a process that
11 accomplishes that. It includes formation of an Advisory
12 Committee. We will have two meetings with that Committee:
13 The first to address the concepts to be included in the
14 rulemaking. We will take that input, develop the
15 regulations, have a second meeting with that Advisory
16 Committee, and take their comment on the actual proposed
17 draft changes to the regulations.

18 Based on that, we'll further revise the
19 regulations and have a stakeholder workshop in June in
20 which we'll release the draft regulations to the wider
21 stakeholder audience. Take input from that process or
22 that workshop and develop the final draft regulations and
23 the initial Statement of Reasons subsequent to that in the
24 July/August time frame. Also develop an agenda item for
25 the September Board meeting and bring the final draft

1 regulations to the Board for approval to notice with OAL
2 at the September meeting.

3 At that point, that would initiate the informal
4 review and comment period through the Administrative
5 Procedures Act. We would have one year to complete the
6 rulemaking at that point. Based on the informal process,
7 I would hope we would be able to complete the formal
8 rulemaking in six to nine months.

9 And I'm happy to answer any questions.

10 CHAIRPERSON BROWN: Any questions from Board
11 members for Mike or --

12 BOARD MEMBER PETERSEN: The process to get this
13 all done is six to nine months?

14 CHAIRPERSON BROWN: No. They'll bring draft
15 regulations to the Board in September. And it's a year
16 from then. So the process of getting to the draft
17 regulations --

18 BOARD MEMBER PETERSEN: I'm in a hurry. That's
19 why I asked the question. Sorry.

20 BOARD MEMBER DANZINGER: Six to nine months is
21 the informal process.

22 So, you know, refresh my memory. I'm trying to
23 remember from the Committee. Did we talk at all about
24 how, you know, this between Option 1 and Option 2 and how
25 the sticking point was, you know, the length of the

1 informal process and how we -- could we collapse that and
2 be able to move more expeditiously through the informal
3 process since so much of the information is out there?
4 But you're still referencing it's a six- to nine-month
5 process. So I'm trying to remember is that what we were
6 comfortable with? Or were we actually seeking a more
7 aggressive time line on the informal process before we
8 kick into the next process, which is also going to be
9 lengthy?

10 CHAIRPERSON BROWN: Mike, can the stakeholder
11 input and all the information be collected and put
12 together into draft regulations in less than six months?

13 PLASTICS TECHNOLOGY SECTION SUPERVISOR LEAON:
14 Yes, I think so. The process we've laid out -- actually,
15 the informal comment period, we would complete that by the
16 end of June. And then the time after that we would need
17 some time to actually revise the regulations, develop the
18 Initial Statement of Reasons, and develop an agenda item.
19 And we think that's going to take us one or two months to
20 do that. We think at the September Board meeting to bring
21 the final draft regs to the Board it's reasonable. But
22 the informal comment period could conclude at the end of
23 June.

24 BOARD MEMBER MULÉ: As I recall, in the Committee
25 meeting, Board Member Chesbro had suggested that we come

1 back with a time line which we agreed to as a Committee to
2 expedite the process, because we wanted to make sure we
3 had a beginning and an end to the process. And we wanted
4 to again expedite it as quickly as possible. So you're
5 saying that this is the quickest that we can conduct the
6 informal process?

7 PLASTICS TECHNOLOGY SECTION SUPERVISOR LEAON:

8 Given that we want to get input from the stakeholders and
9 the time it's going to take to actually make the changes
10 to the regs, develop the Initial Statement of Reasons,
11 develop an agenda item, I think this is reasonable. It's
12 possible that we may be able to expedite it and we could
13 shoot for an August meeting. We can certainly strive to
14 do that.

15 BOARD MEMBER MULÉ: Fine. Thank you.

16 BOARD MEMBER CHESBRO: Madam Chair, being the
17 impatient person that I am, these things are always very
18 frustrating to me it takes so long and there's uncertainty
19 and wheel spinning that goes on during the time period
20 that you're discussing what to do.

21 I guess one of the things that worried me about
22 having an Advisory Committee up front was that would take
23 a significant amount of time when I think the staff item
24 indicates that what it is we need to do is pretty clear.
25 It's not like we're starting from scratch with some

1 unknown program. It does seem like that part of the
2 process, if I look at the chart, is fairly abbreviated, so
3 I think that part was addressed.

4 Now I'm going to say something that might sound
5 like it's contradicting the idea of doing this in a hurry.
6 I also want to make sure that if we set up an advisory
7 process, we're not just inviting those who are most
8 directly impacted. Of course, they have to be there. But
9 also those who want this program to work because they have
10 to try to get rid of the plastics. The recyclers and
11 local governments and waste haulers obviously have a
12 stake. They may be not as aware of the details of how
13 these things work, but they have a stake in making the
14 program successful. And we shouldn't just have the
15 regulated community at the table. We should try to make
16 sure it's more broadly based. And that being said, do it
17 real quickly. But I do think that the up-front section
18 that I was worried about seems like you have tried to do
19 that in a fairly short time period because of the defined
20 nature of what we're doing. I think that addresses what
21 my concerns were at the Committee.

22 CHAIRPERSON BROWN: Okay.

23 BOARD MEMBER PETERSEN: Madam Chair --

24 CHAIRPERSON BROWN: You're up.

25 BOARD MEMBER PETERSEN: I'm chiming with Member

1 Chesbro on this one on everything you said. I'm in a
2 hurry on this myself to get this done.

3 Also, I wanted to ask, will the staff pursue
4 Section 100 rulemaking to update the regulations in order
5 to make it consistent with the recent statutory changes?
6 Are you guys going to be able to do that?

7 PLASTICS TECHNOLOGY SECTION SUPERVISOR LEAON:
8 Well, we could pursue that.

9 CHAIRPERSON BROWN: That will slow it down.

10 BOARD MEMBER PETERSEN: It will? Maybe not.

11 BOARD MEMBER MULÉ: Yeah. Yeah.

12 BOARD MEMBER PETERSEN: It will. Forget it.

13 CHAIRPERSON BROWN: But let me say, you know, I
14 understand everybody's frustration with the time line, but
15 let's not rush too a work product that is not complete or
16 that we have to go back and do again. Because that's been
17 our frustration all along. And if it takes an extra
18 month, is it worthy of adding that part of it? You know,
19 I think staff has done a great job pulling the time line
20 shorter, and we do understand mostly what needs to be
21 done. But, you know, if there's part that needs to be
22 thrown in to bring all the statutory changes up to
23 consistency, then we probably need to do it and do it
24 right rather than have to go back and do it again.
25 Because any time we change our regulations, the time line

1 is a year minimum.

2 PLASTICS TECHNOLOGY SECTION SUPERVISOR LEAON:

3 That would be staff's recommendation, is to take care of
4 those changes through the process we've outlined. There's
5 only a need to do Section 100 changes if it is the intent
6 of the Board to look at doing a 2000 certification. Now
7 under existing policy adopted in December of 2004 by this
8 Board, we would have to provide notice to product
9 manufacturers in July that we're going to do a 2007
10 certification. It would make sense if we wanted to do
11 that, to do Section 100 changes now. But our
12 recommendation is that we take the time to do this
13 rulemaking, provide the clarity and specificity that the
14 regulated community really needs in order to better
15 understand these regulations and what's required of them,
16 and also to facilitate the efficient and effective
17 implementation and enforcement of the program.

18 CHAIRPERSON BROWN: I support staff's
19 recommendation on this item.

20 BOARD MEMBER MULÉ: As do I. We have two
21 speakers. I was looking for more comment from Board
22 members. Anybody else? We do have two speakers. First
23 Randy Pollack.

24 MR. POLLACK: Thank you, Madam Chair, members of
25 the Board. Randy Pollack on behalf of numerous companies

1 who have been going through the RPPC process for the past
2 several years. I'm here in support of the Option 1. I
3 believe it's a good step, and I believe it's very
4 important to have stakeholder involvement at the
5 beginning: Local governments, recyclers, product
6 manufacturers, container manufacturers, as part of that
7 Advisory Board. Because over the past eight years, we
8 have learned a lot about this program. Companies that can
9 comply with it. Companies that can't comply with it
10 because of maybe some of the products that they carry and
11 whether the plastic packaging is really an RPPC. I think
12 that's one of the issues we want to flush out with the
13 staff is how to we want to approach this at the beginning.

14 Another issue that pops up for example is with
15 retailers, private labelers. A store may have three or
16 four product items in their store, and they come under
17 this law. But sometimes they don't even know whether it
18 has recycled plastic in it, whether it's been source
19 reduced, because they only have a few items. And for them
20 to do some sort of corporate averaging, for example, very
21 difficult.

22 Those are some the issues we want to look at to
23 see is it possible, for example, if you identify your
24 distributor. Can we sort of pass it on to someone else
25 who actually has the information and who's actually

1 producing all of these bottles, for example, through the
2 container manufacturers. These are some of the issues we
3 believe are very important to discuss early on before the
4 regulations are developed, because sometimes it's too late
5 to go back and switch as to what direction you want to go
6 in.

7 Additionally, we're very supportive of the
8 compliance agreements that have occurred in the past,
9 because we believe it's very important for companies from
10 throughout the United States. Even though we are the
11 largest state in the union, many people still do not know
12 about this law. I've represented companies who are
13 spending 10 to 20, \$30,000 to demonstrate to the Board
14 that their containers cannot be made compliant to
15 California law because of bleaching or the substances that
16 are contained in those containers. So we're also looking
17 for a way that reduces the burden, that it gives the
18 company an opportunity of looking at ways of demonstrating
19 to the Board why we can't do certain things. And we
20 believe that is a very valuable part of this law.

21 Additionally, I think one of the issues we'll
22 have to look at is the packaging. For example, like the
23 toy industry. I think everybody is struggling with what
24 do we do with this packaging. Many of these companies
25 have great sustainable programs. They're involved in all

1 sorts of recycling efforts. But when it comes to this
2 packaging, they struggle. They don't know what to do or
3 how to handle the situation. They want to come to the
4 table, be part of the discussion.

5 Additionally, I think what's really important is
6 that we also have a lot of overseas manufacturing. And I
7 think that's one of the issues we're trying to get our
8 hands around. How do we figure out what's going on in
9 China? How do we sort of work with them to try and reduce
10 some of the packaging?

11 And finally, let me just add is that I think it's
12 very difficult for many companies who introduce new lines
13 of product. It's very difficult for them to demonstrate
14 compliance with California law. Because when they
15 introduce their packaging, they're going to introduce the
16 best packaging possible, the whitest plastic or the most
17 recycled plastic they can put into a package. But they
18 can't base that against any prior year, for example. It's
19 very difficult for a company that introduces a product
20 this year, next year if the Board comes to them and they
21 go, "Can you show us a ten percent source reduction?"
22 When they introduced the product, they did the packaging
23 the whitest way possible.

24 Those are some of the issues we look forward to
25 working with the Board and the staff on and also with the

1 rest of the stakeholders. Thank you.

2 CHAIRPERSON BROWN: Thank you, Randy.

3 Any questions for the speaker?

4 BOARD MEMBER DANZINGER: Just a quick question,
5 Randy. Thank you for the comment. After all these years,
6 all the interested party meetings, have you ever come to
7 believe when we refer to RPPC we mean Randy Pollack
8 Plastic Container?

9 MR. POLLACK: Starting to feel that way.

10 CHAIRPERSON BROWN: Next speaker is George
11 Larson.

12 MR. LARSON: Thank you, Madam Chair, Board
13 members. George Larson, I'm representing Illinois Tool
14 Works here today and American Chemistry Council.

15 First, I want to thank staff over the long run.
16 We're talking in excess of 15 years. So some of the staff
17 have rotated in and out of this issue. But I guess I'm
18 still here.

19 One thing is still intact too over those many
20 years. The RPPC item records still remains intact, but
21 it's always the last item considered at the Board meeting.
22 I don't know if I'm reading anything into that.

23 CHAIRPERSON BROWN: Yes, you can read anything
24 you want into that.

25 MR. LARSON: I'm here to support staff's

1 recommendation particularly for the schedule, because I do
2 believe it's ambitious considering the complexity of this
3 issue. However, I think Michael and his staff have put
4 the appropriate focus on getting key things done in as
5 rapid a time as possible.

6 Also want to restate my interest if possible to
7 participate in that Advisory Committee that's being
8 recommended and support the inclusion of recent
9 legislation, and thank Senator Chesbro for having been the
10 author of those bills.

11 I also restate what Randy Pollack mentioned about
12 the compliance agreement option, which I believe is
13 clearly within the statutory authority under the rigid
14 plastics law. And I think it reflects similar processes
15 that the Board utilizes now in assisting local
16 jurisdictions to come into compliance with their diversion
17 requirements under AB 939 through compliance agreements.

18 With that, I'd be glad to field any questions.

19 CHAIRPERSON BROWN: Thank you, George.

20 Any questions? Okay. Any other comments?

21 John, request for specificity or direction? I
22 think we know where we're going.

23 ACTING DEPUTY DIRECTOR SMITH: I think we know
24 where we're going also.

25 CHAIRPERSON BROWN: Why don't you tell me where

1 you think we're going, and I'll tell you where -- I'm
2 kidding. I'm playing with you. It's only 10:45, so I
3 just thought I would have a little fun.

4 ACTING DEPUTY DIRECTOR SMITH: Seeing if I was
5 awake.

6 CHAIRPERSON BROWN: Sorry. Can I have --

7 BOARD MEMBER CHESBRO: I'm move staff's
8 recommendation on this.

9 CHAIRPERSON BROWN: Can I have a second?

10 BOARD MEMBER MULÉ: Second.

11 CHAIRPERSON BROWN: It's been moved by Member
12 Chesbro and seconded by Member Mulé.

13 See, you guys do that to see if I can say the
14 names quickly.

15 Kristen, can you call the roll?

16 EXECUTIVE ASSISTANT GARNER: Chesbro?

17 BOARD MEMBER CHESBRO: Aye.

18 EXECUTIVE ASSISTANT GARNER: Danzinger?

19 BOARD MEMBER DANZINGER: Aye.

20 EXECUTIVE ASSISTANT GARNER: Mulé?

21 BOARD MEMBER MULÉ: Aye.

22 EXECUTIVE ASSISTANT GARNER: Petersen?

23 BOARD MEMBER PETERSEN: Aye.

24 But you're good at it.

25 CHAIRPERSON BROWN: Aye.

1 Okay. That concludes our regular business. The
2 Board will now move into -- oh, Mark.

3 EXECUTIVE DIRECTOR LEARY: Madam Chair, I forgot
4 as part of my Executive Director's report that I wanted to
5 remind the Board -- the Board doesn't need a reminder, but
6 everyone listening across the state that the Green
7 California Summit is occurring today and tomorrow at the
8 Sacramento Convention Center. And we, the Board, is a
9 sponsor of this event. Madam Chair, you were there
10 yesterday as part of the executive lunch and seminar. I
11 think this is a world leading event and world leading
12 opportunity. The exhibit area is open and free to the
13 public. And so I encourage everyone to swing on through
14 and see how California is leading the world in green
15 technology.

16 CHAIRPERSON BROWN: Great. Actually, thank you,
17 Mark, for mentioning that. It is a great, great
18 conference. So I would encourage everybody as well to
19 stop on by. Okay.

20 The Board will move into closed session for the
21 remainder of our business today. Thank you.

22 (Thereupon the California Integrated Waste
23 Management Board recessed into closed
24 session at 10:48 a.m.)

25 (Thereupon the California Integrated Waste

1 Management Board adjourned at 10:45 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 27th day March, 2007.

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